IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.683 OF 2005
WITH
NOTICE OF MOTION NO.2337 OF 2005
IN
NOTICE OF MOTION NO.648 OF 2003
IN
MISC. PETITION (LOD) NO.111 OF 2003
IN
TESTAMENTARY SUIT NO.1 OF 2002

Ravi Maruti Shingre Petitioner

versus

Ratnakar Vasant Bagve Respondent

Mr.G.N.Salunke for appellant.

Mr.B.G.Saraf for respondent.

CORAM : DR.S.RADHAKRISHNAN AND
S.C.DHARMADHIKARI, JJ.

DATE : 26th September 2005

PC :

1. Heard learned counsel for the appellant and respondent. By this appeal the appellant is challenging the order dated 15th July 2005 passed by the learned Single Judge in Notice of Motion taken out in a Testamentary Suit whereby the learned Single Judge has appointed Court Receiver with regard to the property concerned. After hearing both the sides, both the parties are

agreeable that if the appellant gives an undertaking to this Court that he will not create third party rights, part with possession and/or induct any third party, there is no need to appoint a Court Receiver. The said undertaking shall be filed in this Court within a period of two weeks from today. Over and above to protect the interests of the respondent the appellant shall deposit a sum of Rs.10,000/- in this Court every month and in case of default the respondent is at liberty to move the learned Single Judge for further reliefs with regard to the same. The first deposit shall be made by 10th November 2005 and every subsequent deposit of Rs.10,000/- per month shall be made on or before 10th of each succeeding month. The learned Single Judge’s order shall stand substituted by this order. Appeal stands disposed of accordingly.

(DR.S.RADHAKRISHNAN, J.)

(S.C.DHARMADHIKARI, J.)